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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

XIMPLEWARE CORP.,  
Plaintiff,

v.

VERSATA SOFTWARE, INC. F/K/A  
TRILOGY SOFTWARE, INC.; TRILOGY  
DEVELOPMENT GROUP, INC.;  
AMERIPRISE FINANCIAL, INC.;  
AMERIPRISE FINANCIAL SERVICES, INC.;  
AND AUREA SOFTWARE, INC A/K/A  
AUREA, INC.,  
Defendants.

Case No. 13-cv-05160 SI

STIPULATION BETWEEN PLAINTIFF  
XIMPLEWARE AND DEFENDANT  
AMERIPRISE FOR EXTENSION OF TIME TO  
FILE A REPLY BRIEF IN SUPPORT OF ITS  
MOTION TO DISMISS PLAINTIFF  
XIMPLEWARE'S CLAIMS OF COPYRIGHT  
INFRINGEMENT, UNJUST ENRICHMENT,  
UNFAIR COMPETITION AND  
DECLARATORY JUDGMENT

Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiff XimpleWare Corporation, (“XimpleWare”) Defendants Ameriprise Financial, Inc. and Ameriprise Financial Services, Inc., (“Ameriprise”), respectfully move this Court for a 2 day enlargement of time, up to and including January 23, 2014, to file a reply in support of its Motion to Dismiss Plaintiff XimpleWare’s Claims of Copyright Infringement, Unjust Enrichment, Unfair Competition, and Declaratory Judgment. (Dkt. 52). On January 14, 2014 Plaintiff filed its Opposition to Ameriprise’s Renewed Motion to Dismiss (Dkt. 53). Defendants’ reply brief is currently due January 21, 2014. The 2 day extension of time will have no effect on case management or any other case scheduling, including the hearing date currently set for February 07, 2014.

#### **REASON FOR THE REQUEST**

Ameriprise requested this extension due to conflicts in attorney’s schedules—specifically briefing due in a related Texas matter between co-defendants Ameriprise and Versata—that has made filing on Tuesday, January 21, 2014 impractical. XimpleWare stipulated to Ameriprise’s request via email on Friday, January 17, 2014.

#### **PRIOR TIME MODIFICATIONS**

The parties previous requested a delay of ADR-related deadlines to comply with the new date for a case-management conference which was rescheduled by the Court from February 5, 2014 to March 7, 2014. (Dkt. 54). The Court has not yet ruled on that stipulation.

#### **EFFECT OF REQUESTED MODIFICATION**

The 2 day extension of time will have no effect on case management or any other case scheduling, including the hearing date currently set for March 7, 2014.

WHEREFORE, the parties hereto, by and through undersigned counsel hereby stipulate to an respectfully request an extension of time up to and including January 23, 2014 to file its reply in support of its Renewed Motion to Dismiss Plaintiff XimpleWare’s Corp’s Claims Copyright Infringement, Unjust Enrichment, Unfair Competition, and Declaratory Judgment.

I, Case Collard, attest that on January 17, 2014, counsel for Defendant Ameriprise conferred with Plaintiff XimpleWare's counsel and agreed upon an unopposed 2 day extension of time for Ameriprise to file its reply brief, and that concurrence in the filing of this document has been obtained from each of the other signatories below. So Stipulated the 21st day of January, 2014.

Dated January 21, 2014.

/s/ Case Collard

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***Attorneys for Plaintiff XimpleWare Corp.***

CERTIFICATE OF SERVICE

On January 21, 2014, I caused the foregoing document titled STIPULATION BETWEEN PLAINTIFF XIMPLEWARE AND DEFENDANT AMERIPRISE FOR EXTENSION OF TIME TO FILE A REPLY BRIEF IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFF XIMPLEWARE'S CLAIMS OF COPYRIGHT INFRINGEMENT, UNJUST ENRICHMENT, UNFAIR COMPETITION AND DECLARATORY JUDGMENT, electronically filed with the court, which will cause a Notice of Electronic Filing to be automatically generated by the court's electronic filing system and sent to all parties in this case. Pursuant to General Order No. 45, Sections II.G. and IX, the Notice of Electronic Filing when e-mailed to the email addresses of record for counsel in the case constitutes service on the receiving parties.

/s/ Case Collard  
Case Collard